

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Hill, Tomell  
**Facility:** Bare Hill CF

**DIN:** 14-A-0132  
**AC No.:** 03-006-20 R

**Findings:** (Page 1 of 1)

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Appellant challenges the January 31, 2020 determination of the administrative law judge (“ALJ”), revoking release and imposing a 12-month time assessment. Appellant’s underlying instant offense is for breaking into an apartment, damaging personal property in the apartment, and causing distress and fear to the woman and children who resided there. The current parole revocation charges included curfew violations, driving without permission, failing to respond truthfully to questions, refusing to permit inspection of various items, and threatening his parole officer. At the final parole revocation hearing, a plea bargain was entered into. Appellant pled guilty to a curfew violation, and the ALJ imposed a 12 month time assessment. Appellant raises the following issues: 1) the plea was not knowing and voluntary as there was no allocution, and no proof of a violation of parole in an important respect. 2) the Notice of Violation placed into evidence is completely blank. 3) the time assessment is harsh and excessive.

Appellant’s parole was revoked at the hearing upon his unconditional plea of guilty. Appellant was represented by counsel at the final hearing, and the Administrative Law Judge explained the substance of the plea agreement. The inmate confirmed he understood and there is nothing to indicate he was confused. The guilty plea was entered into knowingly, intelligently and voluntarily, and is therefore valid. Matter of Steele v. New York State Div. of Parole, 123 A.D.3d 1170, 998 N.Y.S.2d 244 (3d Dept. 2014); Matter of James v. Chairman of N.Y. State Bd. of Parole, 106 A.D.3d 1300, 965 N.Y.S.2d 235 (3d Dept. 2013); Matter of Ramos v. New York State Div. of Parole, 300 A.D.2d 852, 853, 752 N.Y.S.2d 159 (3d Dept. 2002). Consequently, his guilty plea forecloses this challenge. See Matter of Steele, 123 A.D.3d 1170, 998 N.Y.S.2d 244; Matter of Gonzalez v. Artus, 107 A.D.3d 1568, 1569, 966 N.Y.S.2d 710, 711 (4th Dept. 2013).

Nothing in the Executive Law requires a detailed plea allocution. Appellant pled guilty to the charge. And the ALJ did inquire if it was a violation in an important respect. So, the plea satisfied all legal requirements.

The Notice of Violation was not blank.

It is presumed the Administrative Law Judge considered all of the relevant factors. Ramirez v New York State Board of Parole, 214 A.D.2d 441, 625 N.Y.S.2d 505 (1<sup>st</sup> Dept 1995); Garner v Jones, 529 U.S. 244, 120 S.Ct. 1362, 1371, 146 L.Ed.2d 236 (2000). The time assessment imposed is clearly permissible. Otero v New York State Board of Parole, 266 A.D.2d 771, 698 N.Y.S.2d 781 (3d Dept 1999) leave to appeal denied 95 N.Y.2d 758, 713 N.Y.S.2d 2 (2000); Carney v New York State Board of Parole, 244 A.D.2d 746, 665 N.Y.S.2d 687 (3d Dept 1997); Issac v. New York State Division of Parole, 222 A.D.2d 913, 635 N.Y.S.2d 756 (3d Dept. 1995).

**Recommendation:** Affirm.